

REMARKS

Applicants have carefully reviewed the Office Action dated March 12, 2002. Applicants have amended Claims 1 and 10 to more clearly point out the present inventive concept and place the case in condition for allowance and in better form for appeal. Reconsideration and favorable action is respectfully requested.

Regarding Claims 1-18, rejected under 35 U.S.C. Sec. 102(b) as being anticipated by U.S. Pat. No. 5,761,648, *Golden* et al. (*Golden*), this rejection is respectfully traversed as follows.

Applicants' independent Claims 1 and 10 respectively recite a method and a system for tracking the network activity of a user wherein the method is performed and the system is located *at the user's computer location*. Each step of the method of Claim 1 takes place at the computer of the user, as specified in Claim 1. In Claim 10, all of the actions of the user, in accessing a vendor on the network, occur at structures located *at the computer of the user*, including the profile application, the user information and the activity log. The foregoing amendment to Claims 1 and 10 is in the nature of a clarifying amendment, so that these claims more clearly recite the claimed method and system intended by the Applicant.

None of these features mentioned in the preceding paragraph read upon the cited reference for the following reasons. First, the "consumer data or profile data" of *Golden* is defined as "information about the coupon files or other demographical information" (Col. 4, lines 42-44), or "the household profile 64 with information entered by the consumer in response to questions submitted by the service" (Col. 5, lines 61-62). This "profile" information has nothing to do with "*the network activity of the user*" recited in Applicants' Claims 1 and 10. Therefore Applicants' claims do not read upon the *Golden* reference.

Second, "tracking" in *Golden* is only performed at a "service data base 2 to accurately track the coupon's printing or presentation activity" (Col. 4, lines 37-38), or at the system level, for example the

AMENDMENT AND RESPONSE
S/N 09/382,424
Atty. Dkt. No. PHLY-24,733

service database 67 or the restaurant 66 (Col. 6, lines 45-52) "in tracking the reservations the consumer has made." These tracking operations are not performed at the consumer (i.e., user) location, are not performed by software (i.e., a profile application) *at the user computer* and have nothing to do with tracking the *user's network activity*.

Thus, while the *Golden* reference discloses steps and elements, which in name appear to be similar to the terms recited in Applicants' independent Claims 1 and 10, in fact they are not the same as set forth hereinabove. The Applicants' method and system for tracking network activity of the user is thus shown to be patentably distinct from the cited reference. In light of these reasons, Applicants respectfully request the withdrawal of this Final Rejection and reconsideration of the claims as amended.

Claims 2-9 and 11-18, which directly or ultimately depend from base Claims 1 and 10 respectively, and therefore contain the same limitations recited in Claims 1 and 10, are likewise believed to be patentable over the cited reference for the foregoing reasons.

Applicants appreciate the Examiner's Response to Arguments which further detail the Examiner's position. However, the Applicants respectfully point out the following in rebuttal, as further new reasons supporting a position to allow the present application.

First, as to the term "tracking," in ordinary usage, as in Applicants' claims, the verb "to track" is not the same as the verb "to update." The sense of tracking in Applicants' claims is *following* a track - or an activity - while logging information about the track. This sense is clearly different from the terms from the reference suggested by the Examiner as having the same meaning. "Updating" or "accessing" thus do not have the same "sense" as tracking. In fact, the terms "updating" and "accessing" are used differently than the term "tracking" in *Golden*. Compare, for example, "tracking" (Col. 6, line 52) with "updating" (Col. 5, line 61) or "accessing" (Col. 5, line 9).

Second, the Examiner asserts that, since a PIN can be expressed as either a barcode or "entered in a different fashion (via phone)," the barcode is therefore "distinct from the PIN." Either way, a PIN

is a PIN. Though a barcode and a phone call are different ways of expressing information, this difference - or distinction - is not the same as the difference defined in the phrase "barcode distinct from the unique ID associated therewith" as recited in Applicants' independent Claims 1 and 10.

Therefore, in both cases, the terms are in fact not the same and the terms as used in Applicants' claims cannot reasonably be construed to read upon the terms asserted by the Examiner.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,733 of HOWISON, THOMA & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON, THOMA & ARNOTT, L.L.P.
Attorneys for Applicants

Gregory M. Howison
Registration No. 30,646

GMH:jk

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
September 9, 2002

AMENDMENT AND RESPONSE
S/N 09/382,424
Atty. Dkt. No. PHLY-24,733

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A method of tracking network activity of a user, comprising the steps of:

implementing a profile application on a computer of the user disposed on a network to track the network activity of the user, the profile application containing a unique ID and having a bar code distinct from the unique ID associated therewith;

entering user information of the user into the profile application; accessing a vendor server on the network by the user to view server information; and

10 logging [with an activity log] activities of the user with an activity log
generated on the computer of the user while the user accesses the vendor server for
server information.

10. (Twice Amended) A system for tracking network activity of a user, comprising;

a profile application implemented on a computer of the user disposed on a network to track the network activity of the user, said profile application containing a unique ID and having a bar code associated therewith;

user information of the user entered into the profile application; a vendor server on said network accessed by the user to view server information; and

10 an activity log generated on the computer of the user for logging activities of the user while the user accesses said vendor server for said server information.